



Complaints, compliments and representations report
1 April 2013 - 31 March 2014

Hartlepool Borough Council
Child and Adult Services



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1. Introduction

Welcome to Hartlepool Borough Council's Child and Adult Services Department's Complaints, Compliments and Representations Annual Report. The report covers the period 1 April 2013 to 31 March 2014 and is for adult social care, children's social care and Public Health.

The report outlines:

- Details of the complaints and compliments received over the reporting period;
- Lessons learned and resulting improvements following enquiry into complaints;
- Performance in relation to our handling of complaints.

2. Background

Complaints and compliments are valued as an important source of feedback on the quality of services. Each complaint is investigated and, where appropriate, redress made. Equally important is the work to learn lessons to prevent a repeat of failure in service quality and continually improve services.

2.1. What is a complaint?

A complaint is any expression of dissatisfaction about a service that is being delivered, or the failure to deliver a service. The Local Government Ombudsman defines a complaint as *"an expression of dissatisfaction about a council service (whether that service is provided directly by the council or on its behalf by a contractor or partner) that requires a response."*

A complaint can be made in person, in writing, by telephone or email or through the council's website. It can be made at any office. Every effort is made to assist people in making their complaint and any member of staff can take a complaint.

2.2. Who can complain?

A complaint can be made by:

- A person who uses services
- A carer on their own behalf
- Someone who has been refused a service for which they think they are eligible
- The representative of someone who uses services or a carer acting on their behalf. This could be with the consent of the service user or carer or in the case of someone who does not have the capacity to give consent, where they are seen to be acting in the best interests of that person.
- Anyone who is or is likely to be affected by the actions, decisions or omissions of the service that is subject to a complaint.

3. Child and Adult Services complaints frameworks

Hartlepool Borough Council's Adult and Children's Social Care, Children's Services and Public Health complaints framework is derived from the statutory procedure for complaints relating to Adults and Children's social care, the Public Health Complaints, Compliments and Comments Procedure (June 2014) and the corporate complaints procedure. The overall responsibility for the three areas rests with the Department's Complaints Manager (Development Manager). The remit of the Complaints Manager is:

- Managing, developing and administering the complaints procedures.
- Providing assistance and advice to those who wish to complain.
- Overseeing the investigation of complaints that cannot be managed at source.
- Supporting and training staff.
- Monitoring and reporting on complaints activity.

The framework covers situations where there is dissatisfaction about actions, decisions or apparent failings of services within the department.

3.1. Adult Social Care complaints framework

A single level integrated complaints process was introduced on 1 April 2009 with the implementation of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

These regulations place a duty on NHS bodies and adult social care organisations to coordinate handling of complaints and to advise and support complainants through the procedure.

A joint protocol for the handling of complaints that span more than one health or social care organisation had been developed to ensure a comprehensive response is provided to complaints that cross more than one organisation.

The complaints procedure aims to be as accessible as possible. The policy is flexible to ensure that the needs of the complainant are paramount and allows the Department and the complainant to agree on the best way to reach a satisfactory outcome. Full details of the complaints policy and procedure are available on the council's website. Briefly, on receipt of a complaint the level of impact is determined and complaints screened according to their content as being red (high impact), amber (moderate impact) or green (low impact). The process for handling the complaint is dependant on the impact.

3.1.1. Timescales for the resolution of complaints

Staff will always try to resolve problems or concerns before they escalate into complaints and this ensures that, wherever possible, complaints are kept to a minimum.

Since the introduction of the 2009 regulations the only mandatory timescale is that the complainant receives an acknowledgement within 3 working days. The legislation allows for a more flexible approach to the amount of time in which complaints should be dealt with. In our policy, we aim for even the most complex of complaints to be completed within 65 working days. If timescales cannot be met, a new timescale should be discussed with the complainant. Locally, timescales have been introduced for amber and green complaints of 40 and 20 working days respectively.

There is a time limit of 12 months from when the matter being complained about occurred to when a complaint may be made. After this time, a complaint will not normally be considered. However, the 12 month time limit does not apply where the local authority is satisfied that the complainant had good reasons for not making the complaint within that time and where it is still possible to investigate the complaint effectively and fairly.

3.2. Children's Social Care complaints framework

The Children Act 1989 Representations Procedure (England) Regulations 2006 came into force from 1 September 2006. This procedure is for all representations received from children and young people, their parents, foster carers or other qualifying adults about social care services provided or commissioned by children's social care.

The Regulations are now fully embedded into the children's social care complaints system and information derived from complaints is included in the annual monitoring of children's social care and reported to Ofsted.

All children, young people or their families who make a representation are offered the services of an Advocate to enable their views to be effectively promoted.

There are three stages to the procedure.

» Stage 1

Local Resolution: The aim of stage 1 is to sort out the matter as quickly as possible. The complaint will be allocated to a manager who will contact the complainant to discuss the complaint. Stage 1 of the complaints procedure should be completed within 10 working days but if there are a number of issues to look into, this can be extended up to 20 working days. The complainant will receive a response to the complaint in writing.

» Stage 2

Investigation: This part of the procedure is used when the complainant remains unhappy after their complaint has been responded to at Stage 1 or the

complaint is sufficiently serious enough to warrant a more formal investigation. Investigations are conducted by an officer independent of the operational service being complained about. An Independent Person is also appointed at Stage 2. This is a statutory role and the Independent Person (who is external to the council) works alongside the Investigating Officer with a remit is to ensure that the process is open, transparent and fair.

Reports completed by the Investigating Officer and Independent Person are submitted to an Adjudicating Officer (usually Assistant Director level).

The investigation and adjudication process should be concluded within 65 working days.

» **Stage 3**

Complaint Review Panel: If the complainant is dissatisfied with the outcome at Stage 2, they may request that the issues are taken to a Complaint Review Panel (Stage 3). The Panel consists of an Independent Chair and two independent panel members. The Panel considers the complaint and can make recommendations to the Director of Child and Adult Services.

The Director is required to make a formal response to any findings and recommendations of the Review Panel within 15 working days of receiving the Panel's report.

3.3. Public Health Complaints

When complaints are received into the department relating to Public Health the Public Health Complaints, Compliments and Comments Procedure (June 2014) provides the framework for resolution. The procedure is described below;

» **Pre-formal Complaint Stage**

An initial attempt should be made to resolve a complaint as quickly as possible. A complaint at this stage should be responded to within 3 working days.

» **Formal Complaint**

Where a person remains dissatisfied with a service they have received, they have a right to proceed to a formal complaint. The complaint will be acknowledged within 3 working days. The complaint would have usually been investigated by a senior officer. The regulations allow a maximum of 6 months to respond to a complaint (NHS Bodies and Local Authorities Partnership Arrangements, Care Trust, Public Health and Local Healthwatch Regulations 2012). We will however endeavour to respond as quickly as possible.

» **Chief Executive Review**

If a person remains dissatisfied with the response to the formal complaint, they have the right to request the complaint to be reviewed by the Chief Executive.

3.4. Corporate complaints

Where complaints are received in to the Department that do not come under the jurisdiction of the statutory social care or Public Health complaints procedures, the Corporate Complaints policy provides the framework for resolution. This includes complaints in relation to services such as: special educational needs and the integrated youth service. Complaints in relation to schools are dealt with by individual schools and their governing bodies. Local authorities have no legal obligation to investigate the substance of a complaint regarding an individual child and have no powers of direction in this regard.

» Pre-formal Complaint Stage

An initial attempt should be made to resolve a complaint as quickly as possible. A complaint at this stage should be responded to within 5 working days.

» Formal Complaint

Where a person remains dissatisfied with a service they have received, they have a right to proceed to a formal complaint. The complaint would need to be completed within 20 working days.

» Chief Executive Review

If a person remains dissatisfied with the response to the formal complaint, they have the right to request the complaint to be reviewed by the Chief Executive.

3.5. Referral to the Local Government Ombudsman

If, at the end of the relevant complaints procedure, the complainant remains dissatisfied with the outcome or the way in which their complaint has been handled under any of the procedures, they may ask the Local Government Ombudsman (LGO) to investigate their complaint. Complainants may also approach the LGO directly without accessing the complaints process. In those cases it is usual for the LGO to refer them back to the council for their complaint to be examined through the relevant complaints process before they intervene.

4. Principles and outcomes

Good handling of complaints and representations involves:

- Keeping the complainant at the centre of the complaints process;
- Being open and accountable;
- Responding to complainants in a way that is fair;
- Being committed to try to get things right when they go wrong;
- Seeking to continually improve services.

Statutory complaints are underpinned by the following:

- A procedure that aims to be fair, clear, robust and accessible;
- Support being available to those wishing to make a complaint;
- Timely resolution following enquiry into complaints/representations;
- Lessons learnt following complaints and services improved;
- Monitoring being used as a means of improving performance.

5. Public information

Information about the complaints and representations framework is accessible via the council's public access points and also the council's website. Carers and service users of children's and adults social care are provided with leaflets explaining the procedure when they take up a new service and when care plans are agreed and reviewed.

Information in other formats such as large print or Braille or translation in languages other than English are made available upon request.

6. Summary of representations

6.1. Adult Social Care

6.1.1. Compliments

Compliments are generally recognised to be an indicator of good outcomes for service user and carers. They also serve to provide wider lessons regarding the quality of services.

During 2013/14, 40 compliments have been received relating to Adult Social Care. Appendix 1 provides some examples of compliments received during the period.

6.1.2. Complaints received in 2013/14

A total of 15 complaints were received and investigated. The number of complaints received has increased by one from last year.

Of the 15 complaints investigated, 13 of these have been concluded, one remains ongoing and one investigation suspended given the substance of the complaint being considered by the Court of Protection. An example of the complaints received are outlined in Appendix 2.

6.1.3. Client groups

Adult Social Care			
Client group	2013/14	2012/13	2011/2012
Older Persons	10	9	9
Learning Disabilities	2	0	3
Physical Disabilities and Sensory Loss	2	4	3

Adult Mental Health (Integrated Service)	1	1	2
HIV/Aids	0	0	0
Substance misuse	0	0	0
Carers	0	0	0
Commissioned Services	1	0	0
Total number of complaints received	15	14	17

The service users who were the focus of the complaints were 4 male and 10 females. The remaining complaint which was submitted by a male did not relate to a service user.

Complaints which are considered either complex or have a number of elements are usually investigated by someone independent of the council. In 2013/14, Independent Investigating Officers were appointed to 10 of the 15 complaints investigated. The remaining 5 complaints were investigated and responded to internally.

6.1.4. Advocacy services

Of the 15 complaints investigated, none of the complainants chose to have an advocate to assist them with their complaints. However, one complainant chose to have a support worker from a mental health charity to assist them during the complaint investigation.

6.1.5. Timescales and the Grading of Complaints

There is no statutory timescale for investigating and responding to a complaint relating to adult social care. However, the overall aim is to respond to complaints in a timely manner. The likely timescales for investigation are discussed with the complainant at the outset of a complaint investigation and updates on progress of the investigation are provided by the Investigating Officer at regular intervals. There are a range of factors that can impact upon timescales such as:

- Whether the complaint has been considered low, moderate or high impact;
- The number of points of complaint for investigation;
- The availability of the complainant and other key people the Investigating Officer needs to interview;
- The time taken to conduct interviews with key people which can range from complaint to complaint;
- Seeking appropriate consent for obtaining information from partner agencies and awaiting the necessary information to inform the complaint investigation;
- Reading case files and records and obtaining copies of local policies and procedures;

- Consideration all available information and the drafting of a complaint investigation report;
- Carrying out factual accuracy checks on the draft report and providing feedback to the complainant before finalising and submitting the final report.

6.1.6. Complaints carried forward to 2014/15

Of the 15 complaints received in 2013/14, 2 have been carried forward to 2014/15. One is being investigated whilst the other remains suspended pending consideration by the court of protection.

6.1.7. Complaints considered by the Local Government Ombudsman in 2013/14

Three complainants approached the Local Government Ombudsman (LGO) in 2013/14. In one case, it was apparent to the LGO that the Council had not had an opportunity to investigate and respond to the complaint in the first instance. However, as the complaint spanned both Health and Adult Social Care and the complainant had already exhausted the NHS complaints procedure, the Council agreed for the LGO and Parliamentary and Health Service Ombudsman (PHSO) to jointly investigate the complaint without the Council looking into the matter first. The Ombudsmen did not uphold the complaints made to them about the Council or NHS. In the two remaining cases, the LGO decided not to investigate where one complainant expressed his intention to take legal action and, in the other, they could not give the complainant the answers she wanted.

6.2. Children's Social Care

6.2.1. Compliments

During 2013/14, 4 compliments have been received relating to Children's Social Care. Appendix 1 provides some examples of compliments received during the period.

6.2.2. Complaints received in 2013/14

A total of 27 complaints were received. Three complaints were withdrawn by the complainants and the Council decided not to accept 2 complaints. A total of 22 complaints were investigated. The number of complaints received has increased by 6 from 2012/13. An example of the complaints concluded are outlined in appendix 2.

- Of the 22 complaints investigated, 21 of these have been concluded and one remains ongoing.
- 19 of the 22 complaints were responded to at Stage 1 in the first instance. Of these, 12 complaints were concluded at Stage 1.
- 3 of the 22 complaints were not considered at Stage 1 and were progressed directly to Stage 2. Of these, two have been resolved at Stage 2, and one progressed to Stage 3.

- Of the 7 complaints that progressed to Stage 2, two of these have been resolved, 3 have progressed to Stage 3, one remains ongoing at stage 2 whilst one complainant withdrew their complaint at stage 2.
- There were 4 stage 3 complaint review panels held. It is not known whether any of the complainants will progress matters onto the LGO

6.2.3. Advocacy services

Of the 22 complaints investigated none of the complainants chose to have an advocate to assist them with their complaints.

6.2.4. Complaints considered by the Local Government Ombudsman in 2013/14

There were no complaints in relation to children's social care that progressed to the Local Government Ombudsman in 2013/14.

6.3. Public Health

There were no complaints received in relation to Public Health. Statistical comparisons were made with regional Local Authorities which confirmed the number of complaints received in this area were extremely low or non-existent.

7. Lessons learned

Lessons learned are an important aspect of the complaints framework. Appendix 2 outline the context of some improvements that have been put in place as a direct result of complaints and representations received in adult social care and children's social care.

8. Conclusions and way forward

8.1. Going forward

We continue to ensure that a person-centred approach is adopted for the handling and investigation of each complaint. We will continue to focus on ensuring that we monitor that: complainants receive appropriate and timely feedback on complaints; appropriate apologies are offered; and any service improvement recommendations are delivered.

8.2. Action plan

- We will continue to promote the complaints procedure for children's social care services to a range of networks to ensure that children and young people feel confident and able to approach the department with any particular concerns.
 - We will ensure that Healthwatch are aware of the different social care complaints procedures so they are able to inform members of the public of what they can do if they are unhappy with local social care services.
 - We will continue to raise awareness of and promote the complaints procedure for Public Health.
 - We will liaise with Independent Complaints Advocacy (ICA), the organisation commissioned by the Council to deliver an advocacy service for NHS complaints, to ensure that the service is meeting the needs of the local population.
 - We will continue to raise awareness of lessons learnt from complaints and ensure they are fed into policies, procedures and practice.
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Appendix 1: Examples of compliments received across Child Adult Social Care services

Adult Social Care

"I found the service to be excellent. The care workers were very helpful and friendly. S has been a huge support to me and given me valuable help and support. This has been a difficult and stressful time of change and I really don't know how I would have coped without S's knowledge, suggestions and help. Thank you."

From a Service User about a Reablement Worker and the Reablement team

"I would just like to thank all the girls for their help and support. I definitely got the A team 100% plus.

The girls were all smart, friendly, caring and respectful. Two girls just gave that little bit extra. I didn't really want care in. But I have been very grateful for their help. It was a tonic. Thank you."

From a Service User about Home Care.

"Very many thanks for all your help. I must admit life is so much easier now. Pity you can't provide new feet and ankles but I am grateful for all the aids you did provide."

From a Service User about OT team.

"I am writing to thank all the carers what have been so kind to me over the last few weeks.

Every one of them have all been wonderful in every way, very kind and caring it has been my pleasure to have met them all and I can't thank them enough. I will miss them all very much.

Again I would like to thank them all from the bottom of my heart."

From a Service User about Home Care services.

Children's Social Care

".....I want to commend DM who has care of S. DM has turned S's life around..... In respect of myself and my work with S she was an invaluable help. We undertook sessions together and have no doubt that through these sessions and also through DM's conversation and explanations of S's circumstances with S that she has a clear understanding of her position.

It was a pleasure to work with DM."

From a Social Worker about a Foster Carer.

“From the initial meeting you made us feel relaxed. You got on with O putting him at ease. You managed to put things in place really quickly. I appreciate the follow up calls that was really nice.”

From a carer about a Student Social Worker carrying out an initial assessment.

*“Just wanted to drop a line to say how impressed we were as a School today with a meeting led by ND. She was very well supported by DA.....
All professionals who attended the meeting from our School came away from the meeting commenting upon how positive the meeting had been and how well N and D are supporting the family.”*

From a Deputy Headteacher about an ASYE.

Appendix 2: Details of complaints and lessons learned in Child and Adult Social Care Services

Adult Social Care Details of complaint/Outcomes	Lessons learned and where appropriate, actions taken
The complaint referred to a family's view of a lack of compassion or sensible considerations being taken into account by workers by allowing the service user to return to her own home rather than an admission into a care home setting where her family believed any risks would be negated or at least minimised.	A fact sheet to be devised setting out the intentions and imperatives of the Mental Capacity Act 2005, which would assist in informing users and carers the legislation the Council must comply with.
Children's Social Care Details of complaint/Outcomes	Lessons learned and where appropriate, actions taken
This complaint arose following a referral to assist the parents' with contact arrangements and notification from the Court in November 2013 to prepare a concise report. The case was closed in October 2013 and up to that point, the Social Worker had not seen the father with his children. The Social Worker considered she was being asked to report on her historical involvement with the family and there was no consideration for the case to be reopened and the children spoken to. In December 2013, Hartlepool Children Services were ordered to complete a Welfare Report in pursuant to S7 Children's Act 1989.	Local Authority legal advisors are not always automatically notified of requests for reports from the Court. If a request is received for a report under S7 Children's Act 1989 discussions should be held with legal services to set out and plan preparation of the report. In all cases where a request is made by the Court for a report there must be robust management oversight. This should take the form of formal supervisions that set out a plan of work, involving the wishes and feelings of all those concerned and makes proposals based on thorough and detailed assessment.
The complaint related to the time limited terms of Residence Order Allowance not being confirmed at the time when discussions were taking place prior to the final court hearing in October 2012 and only shared in August /September 2013.	The Council formally considered and application for the extension of the Residence Order Allowance under the exceptional circumstances provision and arrangements are in hand to publish a leaflet a leaflet setting out the terms of the policy in relation to Residence Orders.